

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:14-cv-205

TERDMUND B. JAMES,  
Plaintiff,

vs.

NANCY A. BERRYHILL,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY  
ADMINISTRATION,  
Defendant.

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ORDER APPROVING  
MOTION FOR ATTORNEY FEES  
ATTORNEY FEES PURSUANT  
TO 42 U.S.C. §406(b)

Plaintiff's counsel file a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$19,353.00. Attorney's fees under section 406(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,453.00.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$19,353.00, and refund to the Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this the 3rd day of May, 2017.



KIMBERLY A. SWANK  
United States Magistrate Judge